

ZB# 70-7

**Austin Simmons /
Grand Union Co.**

(no SBL)

file

70-7
Austin
Simmons
&
Grand
Union Co.
(Sign)

**PUBLIC NOTICE OF HEARING
BEFORE THE ZONING
BOARD OF APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 7.
Request of Austin Simmons and Grand Union Company for a Variance of the regulations of the Zoning Ordinance, to permit erection of 2 signs, one 8 ft. by 10 ft. plastic illuminated Grand Union logo for front wall (right side) and a 9 ft. by 14 ft. double faced plastic illuminated rotating Grand Union logo, being a Variance of Article III, Section 48.9 (8), for property owned by him situated as follows: Rt. 94 and Stewart Field Road at Vails Gate.

SAID HEARING will take place on the 20th of July, 1970 at the New Windsor Town Hall, 555 Union Avenue, beginning at 9 o'clock p.m.

PATRICIA DELIO
Secretary

July 10

**State of New York
County of Orange, ss:**

Philip T. Gialanella , being duly sworn deposes and says that he isThe Publisher..... of Newburgh-Beacon News Co., Inc., Publisher of The Evening News. a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published One Time in said newspaper, commencing on the.....10th.....day ofJuly.....A.D., 19⁷⁰ , and ending on the10th..... day ofJuly..... A.D., 19⁷⁰

Subscribed and sworn to before me this
.....10th..... day of..... July..... 19.....⁷⁰.....

.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1971,



Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 70-7
Date: April 20, 1970

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Austin Simmons of P. O. Box 65, Saugerties, N. Y. and
(Street & number)
Grand Union Company of 100 Broadway, East Paterson, New Jersey

HEREBY MAKE

(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY Rt. 94 and Stewart Field Rd. at Vails Gate
(Street & number) (Use district on Zoning Map)
- B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance: Art. III Sec. 48.2 (8)
in an IB district

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Vails Gate Plaza, where the Grand Union Company has erected a store, is a complex of large stores, forming a shopping center.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: the applicants intention is to erect two signs which advertise the Grand Union Company having located a store in the shopping complex
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the Grand Union Company has erected a store and it is necessary to locate signs in this area to advertise same

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the proposed use is not inconsistent with the zoning of this particular area

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the erection of the two signs to advertise the Grand Union Company's location is a unique use and does not affect the limitations of other properties in the area.

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Sketches attached of the following two signs:

1. 8 ft. by 10 ft. plastic illuminated Grand Union logo for front wall (right side) and

2. 9 ft. by 14 ft. double-faced plastic illuminated rotating Grand Union logo

- E. Application to be accompanied by a check, ^{\$25.00} payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Bd. of Appeals.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239m of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Bd.

Dated: June 23, 1970

Austin J. Simmons
Signature of Applicant

STATE OF NEW YORK)
COUNTY OF ORANGE ss

Sworn to on this 23 day of June 1970

P.O. Box 65, Saugerties, N.Y.
Address

Donald J. Beecher
(Notary Public)

My Commission Expires 3-30-72.

Telephone No. _____

DO NOT WRITE IN THIS SPACE

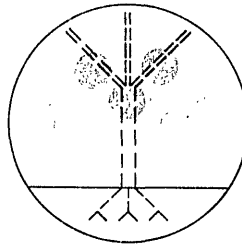
Application No. 70-7
Date of Hearing July 20, 1970
Date of Decision Sept 3, 1970

Date Received Aug 20, 1970
Notice Published July 19, 1970

DECISION: Application for Variance Denied

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

July 27, 1970

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board
of Appeals
16 Veronica Avenue
New Windsor, New York 12550

Re: Sign Area Variance
Application of Austin Simmons and
Grand Union Company, Rt. 94 at
Vails Gate intersection.

Dear Mrs. Budney:

On July 13th, we received some supplemental information as requested pertinent to the above-cited application pending before your board, forwarded by your board's secretary.

Despite the fact that the full information requested was not supplied (we still lack a site plan indicating set-back of building(s) and exact location of the free-standing sign), there is sufficient evidence from the materials submitted to justify our rejection of the application.

First, the discrepancy between the enacted standards of the zoning ordinance for the Local Business District and the size of the signs requested by the applicant is not minor, but a radical departure. The ordinance permits a 40 square foot free-standing sign (all faces), whereas the applicant proposes one of 240 square feet at least (both faces). The ordinance permits signs on the building's facade equal (in square feet) to two times the length of the building. By our calculations ($2 \times 175' = 350$ square feet), the area of the main Grand Union sign ($8' \times 80'$), the Kwik Chef Delicatessen lettering ($4' \times 25'$ approx.), and the Grand Union insignia ($8' \times 10'$), so far exceed the standards of the ordinance, no matter how these signs are measured, to go beyond the reasonable powers of a Zoning Board of Appeals to grant.

Mrs. Louise A. Budney,

- 2 -

July 27, 1970

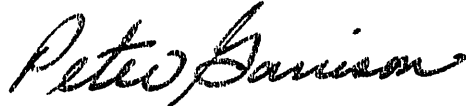
Secondly, the answers given by the applicant to the questions posed in your local board's application are a farce and make a mockery out of the whole variance procedure. There is nothing unique about the configuration of this property or its sub-surface conditions beyond the self-imposed limitations of the present or previous owners, that should warrant bigger signs, except the desire for visibility and advertising, which are not "unique" conditions inherent in the property itself, the main condition for the granting of a variance.

Therefore, we believe that this application should be denied, it being beyond the purview of the Zoning Board of Appeals. We feel that the standards of the Local Business Zone (and the Designed Shopping Center District as well) may be overly restrictive for a shopping center of this kind. The most proper and advisable way of settling this matter is to have the Town Planning Board review the sign requirements, and make their recommendations for change (if any) to the Town Board for amendment of the zoning ordinance.

It is evident that the ZBA is not receiving sign variance applications from the rare exception of commercial developers, but from the vast majority, and in this case, either the applicants are asking for too much, or the zoning ordinance is permitting too little.

Acting under Section 239 1 and m, Article 12-B of the General Municipal Laws of the State of New York, County approval is hereby denied.

Very truly yours,



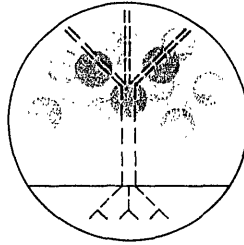
Peter Garrison
Commissioner of Planning

PG:f

cc: Theodore F. Marsden
Joseph Tallarico
Austin Simmons

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

July 10, 1970

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board
of Appeals
16 Veronica Avenue
New Windsor, New York

Re: Application for a sign variance,
Grand Union Store, Route 94 and
Stewartfield Road

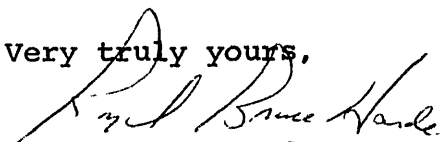
Dear Mrs. Budney:

This office is in receipt of an incomplete copy of your variance application form, accompanied by two drawings, one of the front elevation of the building (showing wall-affixed sign) and one of the free-standing rotating illuminated sign; forwarded by the sign contractor, Vincent DeAngelo of Lafayette Sign Company, Jersey City, N. J., whose above-cited application is pending before your board.

We refer you to our mailing of May, 1970 in which we rehearsed our review procedure, and enclosed a quantity of new county forms which we now require to be completed and forwarded with each local application submitted to the county for review. A marked copy of that letter and the application form are enclosed.

To complete our mandatory review, we will need the materials cited, forwarded to us by you, with your request for county review. Within 30 days of the receipt of that, and all pertinent materials, you may expect our letter of review.

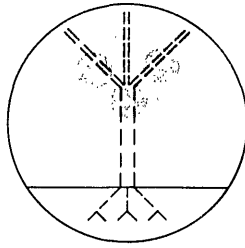
Very truly yours,


Royal Bruce Harde
Planner

RBH:f

cc: Vincent DeAngelo

Department of Planning



County of Orange

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner

The County Building
Goshen, New York 10924
(914) 294-5151

Louis V. Mills, County Executive

Dear Sir:

Because of the turnover of people serving in capacities such as yours, and because there have been numerous incidents of confusion relating to the procedures involved in county review of certain local land-use controls and decisions, we are addressing this letter with its enclosures to all persons serving as Supervisor, Mayor, as chairman of municipal planning boards and zoning boards of appeal within Orange County, and municipal attorneys.

To explain the pertinent portions of Sections 239 l, m and n, Article 12 B of the General Municipal Laws of the State of New York, we refer you to the page before the Table of Contents, pp. 20-21, pp. 37-39, pg. 42 and pp. 128-131 of the 1969 edition of Local Planning and Zoning.

We would like to emphasize two particular points. First, county review is for the purpose of informing the local board in advance of its decision, and can best serve its purpose if our comments are received in time to be read at the public hearing. To insure this, it is necessary for us to receive the application and supporting information 30 days in advance of the date set for the public hearing. Secondly, should the local board act contrary to the county decision, by a majority plus one vote of the entire board membership, the county must be informed within seven days of the full particulars of such action. With our letter of official county action we provide a postal card for the convenience of the local board to inform us of its action. Additional information will, of course, be required if local action over-rides county action.

To facilitate our mandatory review of certain local land-use regulations and decisions, we are herewith providing your board with a supply of forms, Part A of which is to be completed by your board, and accompany other supporting materials you forward to us with your request for review. All information requested in Part A must be supplied, or the application for review will not be considered received until it is, and all necessary supporting materials are in hand. We repeat: our review is for the purpose of informing the local board prior to its decision, and this relationship is between the county planning department and the local board, not the applicant. All materials received by us should be accompanied by a covering letter signed by an authorized representative of the board concerned and all correspondence written by us is to the local board.

Failure on the part of a local board to refer to the county a matter falling within the area of jurisdiction of the county can result in an invalidation of that local action.

Your cooperation in these matters will be greatly appreciated and will help expedite our review, providing you with the benefit of the thinking of our professional staff as early as possible.

Very truly yours,

Peter Garrison

Peter Garrison

Commissioner of Planning

PG:f

Enc: 1 copy: Local Planning and Zoning
1969 edition.

10 copies: Application for County Review under 239 1, m

10 copies: Application for County Review under 239 1-n

Veronica Avenue
New Windsor, N. Y. 12550
September 8, 1970

Mr. Austin Simmons
P. O. Box 65
Saugerties, N. Y.

Re: Application for Variance of
Austin Simmons and Grand Union Co.

Dear Mr. Simmons:

Please be advised that the application in the
above matter has been denied at a recent meeting of
the New Windsor Zoning Board of Appeals.

Very truly yours,

LOUISE A. BUDNEY,
Chairman

/pd

cc: Howard Collett, Building Inspector
Town of New Windsor

Mr. Vincent DeAngelo
c/o Lafayette Sign Co.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

July 7, 1970

Austin Simmons
c/o Vails Gate Plaza, Inc.
P. O. Box 65
Saugerties, N. Y. 12477

and

Grand Union Company
100 Broadway
East Paterson, N. J.

Dear Sir:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property you inquired about.

The charge for this service is \$15.00. Please remit same - c/o the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12550, making the check payable in my name.

Respectfully,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:
Enc.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

RE: Austin Simmons
and
Grand Union Company

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

National Temple Hill Association, Inc.
Temple Hill Rd.
Vails Gate, N. Y. 12584

V. G. Properties Ltd.
c/o Bryant Fischler
280 Broadway
Newburgh, N. Y. 12550

Ettinger, Howard W. & Sarah P.
Box 64
Vails Gate, N. Y. 12584

Austin Simmons - Vails Gate Plaza, Inc.
P. O. Box 65
Saugerties, N. Y. 12477

Robin, Arthur
Box 235
Vails Gate, N. Y. 12584

Satterly, Helen & William T. Meyers
Rt. 94- R.D. 2
Newburgh, N. Y. 12550

Central Hudson Gas & Elec. Corp.
c/o Tax Agent
South Road
Poughkeepsie, N. Y.

Marshall, Nicholas C.
Vails Gate, N. Y. 12584

Temple Hill Sales, Inc.
Windsor Highway
New Windsor, N. Y. 12550

Shea, Theodore C.
Vails Gate, N. Y. 12584

Scott, Edward
Quassaick Ave., M. D. 26
Newburgh, N. Y. 12550

White, Edith M.
P. O. Box 253
Vails Gate, N. Y. 12584

Douglas C. Thorne, Inc.
Rt. 32
Vails Gate, N. Y. 12584

Cacciatore, Carmine J.
325 So. Ocean Ave.
Freeport, L. I., New York

Casaccio Paul & Virginia
Adler Drive
Cornwall, N. Y.

Primavera, Lucy
R. D. 4
Newburgh, N. Y. 12550

Fernandez, Joseph & Mary A.
Box 95
Vails Gate, N. Y. 12584

Tidewater Oil Company, Inc.
660 Madison Ave.
New York, N. Y. 10021

Schoonmaker, D. Bruce & Harvey B.
Rt. 94- R.D. 4
Newburgh, N. Y. 12550

Grefe, Frank H. and Theresa M.
Vails Gate, N. Y. 12584

Olympia, Peter M.
16 Russell Rd.
Newburgh, N. Y. 12550

Weber, George A. & Olive B.
Vails Gate, N. Y. 12584

Trevorah, Edward
Box 32
Vails Gate, N. Y. 12584



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Re: Austin Simmons and
Grand Union Company

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

General Elec. Pension Trust Trustees
c/o Atlantic Ref. Co.
260 So. Broad St.
Philadelphia, Pa.

Myszelow, Joseph & Mary G.
Vails Gate, N. Y. 12584

Academy Terminal Corporation
90 Main St.
Highland Falls, N. Y.

Boneri, Concetta
Vails Gate, N. Y. 12584

Simonson, Richard & Helen
Vails Gate, N. Y. 12584

Brewer, Robert
Vails Gate, N. Y. 12584

Brewer, Wilbur
Vails Gate, N. Y. 12584

Curry, Virginia
Vails Gate, N. Y. 12584

Brewer, Walter
Vails Gate, N. Y. 12584

McMillen, Mary
Vails Gate, N. Y. 12584

Brewer, Ruby Mae
Vails Gate, N. Y. 12584

Brewer, Helen & Ida Mae & Michael
Vails Gate, N. Y. 12584

Deyo, Beatrice
Vails Gate, N. Y. 12584

Central Hudson Gas & Elec. Corp.
284 South Avenue
Poughkeepsie, N. Y.

Mobil Oil Corporation
150 East 42nd St.
Manhattan, N. Y.

Leonardo, Catherina
19 Prospect St.
Newburgh, N. Y. 12550

Marshall, Maria
Vails Gate, N. Y. 12584
(P. O. Box 68)

Respectfully submitted,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT, Chairman
Board of Assessors
Town of New Windsor

July 7, 1970

To Whom it May Concern:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 7

Request of Austin T. Simmons and Grand Union Company, Inc. for a Variance of the regulations of the Zoning Ordinance to permit the erection of two signs, i.e. (1) 8 ft. by 10 ft. plastic illuminated Grand Union logo for front wall (right side) and (2) a 9 ft. by 14 ft. double-faced plastic illuminated rotating Grand Union logo, being a Variance of Article III Section 48.9 (8), for property owned by him situated as follows:
Rt. 94 and Stewartfield Road at Vails Gate,

SAID HEARING will take place on the 20th day of July, 1970 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 9 p.m.


Secretary

New Windsor Zoning Bd. of Appeals

APPLICATION is hereby made for the following:

Agenda ✓ Service _____

1. Name Lafayette Sign Co. Vincent De Angelo

Address 984 West Side Ave. Jersey City, N.J.

Telephone Number 201-434-4434

Are you the owner of the property? No

2. Briefly describe intention (or attach) and location of

property: Acting as agent for the Grand Union Co., located at 100 Broadway, East Paterson, N.J. We are hereby applying for a variance to install signs for the Grand Union store located at Route #94 and Stewartfield Rd, Vailsgate, N.Y. All signs and locations as indicated on enclosed drawings.

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting

_____ Subdivision Preliminary Meeting

_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map

x _____ Variance (Notify P/B - Plans if necessary)

_____ Informational Meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed

_____ ZBA. action needed

_____ Site Plan needed

_____ Subdivision approval needed

_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that

